

RULES AND REGULATIONS  
FOR SPECIAL PERMITS  
ISSUED BY THE  
TYNGSBOROUGH BOARD OF SELECTMEN  
PURSUANT TO  
THE TOWN OF TYNGSBOROUGH  
ZONING BY-LAWS

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## I. GENERAL

The Board of Selectmen ("The Board") in accordance with the Tyngsborough Zoning By-laws ("ZBL") is designated as a "Special Permit Granting Authority" (SPGA). The Board shall hear and decide applications for special permits upon which they are empowered to act under the ZBL. The SPGA shall refer the application and plans to such boards and officials which in all cases shall include Tyngsborough Planning Board, the Tyngsborough Building Inspector, Tyngsborough Conservation Commission, Tyngsborough Board of Health, the Police Chief, the Fire Chief, Highway Surveyor, and Sewer Commission and others as they deem appropriate or as required by the ZBL and shall not hold a public hearing on the application until such time as the reports have been received from all boards and officials to whom such has been referred or thirty-five days have elapsed following referral without receipt of such reports, whichever occurs sooner. No request for a special permit shall be granted unless and until the SPGA finds all of the following:

- A. The proposed use is in harmony with the purpose and intent of the ZBL.
- B. The proposed use will not be detrimental or injurious to the neighborhood in which it is to take place.
- C. The proposed use complies with all applicable requirements and findings of the ZBL.

## II. ORGANIZATION OF THE SPECIAL PERMIT GRANTING AUTHORITY

### A. Chairman - Powers and Duties

The Chairman of the Board of Selectmen shall also act as Chairman of the Special Permit Granting Authority. The Chairman may vote and be recorded on all matters coming before the SPGA. The Chairman, subject to and consistent with these rules shall decide all points of order unless overruled by a majority of the SPGA in session at the time. The Chairman shall appoint sub-committees as may be found necessary. In the absence of the Chairman, the Vice-Chairman will act on the Chairman's behalf.

In addition to powers granted by the General Laws and ZBL and subject to these rules and further instructions of the SPGA, the chairman shall transact the official business of the SPGA, supervise the work of the Clerk, request necessary help, direct the work of all sub-committees, and exercise general supervisory powers. The Chairman shall at each meeting report on all official transactions that have not otherwise come to the attention of the SPGA.

## B. CLERK

The Clerk shall mean the Clerk of the Board of Selectmen who shall also act as Clerk of the SPGA. Subject to the direction of the SPGA and its chairman. The Clerk shall supervise all of the clerical work of the SPGA, including all correspondence, sending all notices required by law and the rules and regulations of the SPGA, receive and scrutinize dockets and minutes of the SPGA's proceedings, compile all required records, and maintain necessary files and indexes.

## C. QUORUM

Four of the five members present shall constitute a quorum. For all actions regarding special permits there shall be a quorum. For the granting of a special permit there shall be required an affirmative vote of four of the members. Voting procedures and records of votes are further defined in Section IV B of these rules and regulations. In the event of the presence of the minimum number of members (four) a unanimous vote shall be necessary.

## D. MEETINGS

All meetings referred to in this regulation shall be in reference to the regularly scheduled meetings of the Board, duly posted in accordance with the open meeting laws. Massachusetts General Law Chapter 39 Sections 23A, 23B, and 23C.

# III. ADMINISTRATION AND PROCEDURE

## A. Application

### 1. Application Form

Every application for action by the Board shall be made on the official form(s) as provided by the Board. The application shall include the certified list of abutters and parties of interest as defined by Massachusetts General Laws, Chapter 40, Section 11.

### 2. Application Contents and Supporting Material

#### a. Plan of Land

Each application to the Board shall be accompanied by copies of a plan showing the following:

- ( 1) North point, date and scale;

- ( 2) Name and address of record owner, name and address of applicant, the seal of registration, signature and name and address of the Registered Land Surveyor, registered in the Commonwealth of Massachusetts, who prepared the plan;
- ( 3) The complete property lines of the entire property which the application or petition pertains to;
- ( 4) All public ways with their names within 300 feet of the property lines of the subject property;
- ( 5) The zoning district in which the property lies including any zoning district lines passing through the property;
- ( 6) The property lines of all parties at interest as defined by Massachusetts General Laws, Chapter 40 Section 11 together with the name and address of the owners of said property;
- ( 7) The Tyngsborough Assessors Map and lot number for the subject property;
- ( 8) Any public or common areas within the property or 300 feet of the property;
- ( 9) Location, shape and size of all existing and proposed buildings, septic systems, and private wells on the property and within 300 feet of the property line;
- (10) Location of all existing and proposed underground utilities on the property, including but not limited to water, sewer, telephone, electrical, natural gas, cable TV, or fiber optic communication system;
- (11) All existing and proposed storm water drainage systems pertaining to the property, including but not limited to open ditches, natural waterways and water bodies, and underground piping and culverts;
- (12) All easements existing and proposed pertaining to the property including the wordings of the easements set forth on separate sheets;
- (13) All deed restrictions pertaining to the property including the wording of the deed restrictions set forth on separate sheets;

- (14) The location of the Base Flood Elevation on the property as shown on the Flood Insurance Rate Maps and further delineated on the Flood Boundary and Floodway Map published for the Town of Tyngsborough by the Federal Emergency Management Agency (FEMA) September 12, 1982 or a statement that, "The property does not lie within a flood hazard area designated as Zone A, or Zones numbered A1-30 on the Flood Insurance Rate Maps which are subject to flooding at least once every 100 years (the base 100 year flood elevation);
- (15) The precise location, size and shape of all areas within the property which are in use or proposed to be used for parking or driveways and proposed entrances and exits;
- (16) Other information as required by the Zoning By-Law and other material required by section 1.16.20 regarding site plans or Section 4.00.00 inclusive of the Zoning By-Law;
- (17) Certification that the plan conforms with the Rules and Regulations of the Registers of Deeds in preparing the plans.

b. Evidence of Ownership or Interest

Every application shall include a notarized affidavit and evidence of ownership or interest of the subject property *specific to the proposed activity*.

c. Existing Variances and/or Special Permits

Every application shall include a statement indicating and describing any existing variances and/or special permits pertaining to the property with a copy of the official finding, granting or decision as filed or recorded in the Registry of Deeds. If there are no variances and/or special permits, a notarized statement shall be included stating such.

3. Modification or Relief from Application Contents

Upon written request by the applicant the requirements of Section 2 above may be reduced and/or modified by the SPGA by majority vote at a duly convened meeting. ***Temporary Outdoor Events (Sections 4.13.00, 4.17.00, 4.18.00 of the Zoning By-Law) plans should be scaled to show at a minimum the following: parking, outdoor sales or activity areas, any temporary or existing structures, property boundaries and setbacks, and streets and roadways adjacent to the lot.***

4. Application and Review Fees

a. Application Filing Fee

All applications for Special Permits shall be subject to application filing fees which are non-refundable, to cover the administrative costs with the process of an application for a Special Permit.

b. Application Review Fees

All applications for Special Permits are subject to a reasonable fee to provide for special consultative assistance to the Board in order to enable the Board to make an informed decision and provide the Board with appropriate technical review assistance of the proposed project.

c. Application and Review Fees: - Determination of Amounts. Handling and Accounts

Section V of these Rules and Regulations sets forth the schedule of fees and deposit procedure and provision for administrative appeal.

5. Application Referral

The Special Permit Granting Authority shall transmit upon the proper filing of an application and required information a copy of said material to such other boards and officials as it deems advisable. In all cases, such transmittal shall include the Tyngsborough Planning Board, the Tyngsborough Building Inspector, the Tyngsborough Conservation Commission, the Tyngsborough Board of Health, the Police Chief, the Fire Chief, Highway Surveyor, and Tyngsborough Sewer Commission in accordance with Section 1.16.12 of the Tyngsborough Zoning By-laws and to the applicable Water District.

6. Copies of Applications, Plans and Other Material

The applicant for a Special Permit shall upon filing provide the number of copies specified on the application form of all material as required pursuant to these Rules and Regulations.

#### IV. HEARINGS AND DISPOSITION

##### A. Hearings Generally

###### 1. Notice

The SPGA (Board of Selectmen) shall hold a public hearing no later than 65 days after the filing of an application. The SPGA shall have the authority to continue a public hearing under this section if it finds that such continuance is necessary to allow the applicant to provide information of an unusual nature and which is not otherwise required as part of the application.

Notice of Hearings shall be advertised as required by the provisions of the Massachusetts General Laws, Chapter 40A (each of two successive weeks but not less than 14 days prior to the hearing date in a newspaper having general circulation, and in addition shall provide for a copy to be posted in the Town Hall). In addition, a copy of the advertisement shall be sent by mail at least 7 days prior to the date of the hearing, postage prepaid, to the applicant and to all the parties in interest as defined in Massachusetts General Laws, Chapter 40 A.

###### 2. Representation and Absence

An applicant may appear in his or her own behalf, or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of an applicant, the SPGA may decide on the matter using the information it has otherwise received.

###### 3. Brief to the SPGA

It is recommended that in addition to the material required herein every application for special permit be supported by a brief setting forth in detail all facts relied upon by the applicant and the proposed findings.

###### 4. Order of Business

The order of business shall conform to the following sequence:

a. Reading of application and legal notices by the Clerk, together with presentation of exhibits including written briefs received, if any.

b. Applicant's presentation



- c. Opponent(s) presentation, if any, and questions or statements by those seeking in attendance.
- d. Proponent's presentation.
- e. Applicant's rebuttal, restricted to matters raised by opponents presentation.
- f. The SPGA shall set a closing date for receipt of any additional written materials and documents and if no such date is established the hearing record shall close upon termination of the hearing.

Members of the SPGA who are hearing the case may direct appropriate questions anytime during the hearing or may call upon boards or officials it deems to have information which would clarify any issue raised at the hearing.

B. Disposition by the SPGA

1. Voting Requirements

Pursuant to Section II. C. of these rules and regulations, there shall be required an affirmative vote of four of the five members of the SPGA to grant any special permit.

In all votes regarding the issuance or denial of special permits the record shall show the vote of each member of upon the question or if absent or failing to vote, indicate such fact. The SPGA shall in addition set forth clearly the reason or reasons for its decision and of its official actions.

2. Withdrawal of Application

An application may be withdrawn without prejudice by the applicant by notice in writing to the Clerk of SPGA at any time prior to the publication of the notice of the public hearing by the SPGA but thereafter be only withdrawn without prejudice with the approval of the SPGA.

3. Reconsideration

Once a decision has been voted upon and the meeting which the decision was made is adjourned, there shall be no reconsideration of the decision of the SPGA.

#### 4. Reapplication

No appeals application or petition which has been unfavorably acted upon shall be acted favorably upon within two (2) years after the date of final unfavorable action unless the SPGA finds by 4/5ths vote, specific and material changes in the conditions upon which the previous unfavorable action was based; and such changes shall be described in the record of its proceedings. In addition such notice shall be given to those parties in interest that where required to be notified at the time of the original hearing, that such reconsideration shall take place, noting the time and location of said meeting. A 4/5<sup>th</sup> vote of the full SPGA shall be necessary to grant reconsideration of any matter previously unfavorably acted upon with the 2 year period as specified above.

#### 5. Limitation of Grants: Extensions

If an application is granted by the SPGA, construction or use shall be commenced within one (1) year, which shall not include such time required to pursue or await the determination of an appeal as provided in the Massachusetts General Laws, Chapter 40A Section 17. from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

#### 6. Decisions

All special permits acted upon by the SPGA shall be recorded on the official notice of Special Permits, accompanied by a detailed record of the proceedings, the reasons for the decision, and certification that copies of the decision have been filed with the Town Clerk. The filing of the decision of the SPGA with the Town Clerk shall be within 14 days of the date of the decision. The filing deadline in all cases shall conform to the requirements of Massachusetts General Laws Chapter 40A regarding such matters.

#### 7. Effective Date of Special Permit

No special permit, or any extension, modification or renewal thereof shall take effect until a copy of the decision bearing the "Certification" of the Town Clerk that, twenty (20) days have elapsed after the decision has been filed in the Office of the Town Clerk, and that no appeal to the decision has been filed, and that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds of the district having jurisdiction over the Town of Tyngsborough and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant. Failure of the owner or applicant to properly file within six (6) months shall void the approval, and conditions set forth by the SPGA.

The time of the appeal of the twenty (20) day period shall commence on the day after the day of filing and shall expire on the day following the 20<sup>th</sup> day, the time shall be computed from the time the decision was filed with the Town Clerk as evidenced by the time stamp fixed there upon. In all cases, any appeal shall conform to the requirements Massachusetts General Laws Chapter 40A.

8. Distribution

Copies of the notice of special permit decisions together with the notice of the right to appeal, shall be mailed postage prepaid or delivered by the Clerk of the SPGA or the SPGA's representative to:

The owner:

The applicant if different from owner:

Parties in Interest:

Planning Board:

Town Clerk:

Building Inspector:

Executive Administrator to the Board of Selectmen:

Every person present at the hearing who requested that notice be sent to him and stated the address to which such notice is to be sent. Each notice shall specify that appeals, if any, shall be made pursuant to section seventeen of Chapter 40A of the Massachusetts General Laws.

## V. APPLICATION AND REVIEW FEES

### A. Application Fees

Pursuant to Section III.A.4 of these Rules and Regulations an Application Fee shall be charged for each application made to the Board of Selectmen acting as the Special Permit Granting Authority pursuant to the Town of Tyngsborough Zoning By-Law.

#### 1. Application Filing Fee Schedule

a. **Temporary Outdoor Events (Fairs, Carnivals, Farm Stands, Farmer's Markets, Holiday Horticultural Sales, etc.)** **\$125.00\***

b. Basic application fee **\$350.00\***

*\* includes cost of required newspaper advertisement for public hearing.*

#### 2. List of parties in interest certified by the Board of Assessors

\$1.00 per party + postage\*

*\* actual cost as per USPS for first class mail certified return receipt.*

### B. Project Review Fees

Pursuant to Section III.A.4 of the Rules and Regulations a Project Review Fee shall be charged for uses involving a special permit from the Board of Selectmen according to the following schedule:

<u>General Use</u>	<u>Applicable Zone</u>	<u>Basic Review Fees</u>	<u>Additional Fees</u>
Earth Removal	I1, I2	\$1000.00	\$200.00 per acre
Educational	R1, R2, R3, B1	\$ 500.00	\$250.00 per 1000 GSF floor area <u>1/</u>
Public or Private Utility Facilities	R1, R2, R3, B1, B2, B3, B4	\$1000.00	
Hospitals	B1, B2, B3, B4	\$1000.00	\$50.00 per bed
Correctional Facilities	I1, I2	\$1000.00	\$50.00 per bed
Lodge or Club	R2, R3	\$ 500.00	\$25.00 per parking space <u>2/</u>
Funeral Home	R3	\$1000.00	\$25.00 per parking space <u>2/</u>
Veterinary Care	B1	\$1000.00	\$25.00 per parking space <u>2/</u>
Commercial Kennel	B3, B4, I1, I2	\$ 500.00	\$10.00 per animal stall

Building Trade Shop	B2	\$ 500.00	\$250.00 per 1000 GSF floor area <u>1/</u>
Lounge or Pub <u>3/</u>	B2, B3, B4	\$1000.00	\$25.00 per seat
Commercial Recreation <u>3/</u>	B3, B4, I1	\$1000.00	\$25.00 per parking space <u>2/</u>
Commercial and Trade School	B2	\$1000.00	\$25.00 per parking space <u>2/</u>
Amusement Facility Indoor <u>3/</u>	B2, B3, B4	\$1000.00	\$10.00 per 100 sq ft of floor area <u>1/</u>
Amusement Facility Outdoor <u>3/</u>	B3, B4, I1	\$1000.00	\$10.00 per parking space <u>2/</u>
Motor Vehicle Service Station	B1, B2, B3, B4	\$1000.00	\$20.00 per 100 GSF of floor area <u>1/</u>
Cash Wash <u>3/</u>	B3, B4, I1	\$2000.00	
Motor Vehicle Repair or Body Shop <u>3/</u>	B3, B4, I1	\$ 500.00	\$20.00 per 100 GSF of floor area <u>1/</u>
Light Vehicle Sales	B3, B4	\$1000.00	\$20.00 per 100 GSF of floor area <u>1/</u>
Vehicle Equipment Sales	B3, B4	\$1000.00	\$10.00 per 1000 GSF of sales area <u>4/</u>
Parking Facility <u>3/</u>	B2, B3, B4, I1	\$1000.00	\$10.00 per parking space <u>2/</u>
Commercial Breeding Facility	I1	\$ 500.00	\$10.00 per 100 GSF of floor area
Zoo	B3, B4, I1	\$1000.00	\$25.00 per parking space <u>2/</u>
Commercial Broadcast Facility (excluding studio)	B2, B3, B4, I1	\$ 500.00	
Rifle Range (outdoor)	I1, I2	\$1000.00	
Day Care Facility	R1, R2, R3, B1, B2	\$ 500.00	\$10.00 per 100 GSF devoted to Use <u>5/</u>
<i>Self-Service Gas Stations <u>3/</u></i>	<i>B1, B2, B3, B4, I1</i>	<i>\$1000.00</i>	<i>\$10.00 per 1000 GSF devoted to Use <u>5/</u></i>
Waste Treatment <u>3/</u>	I2	\$5000.00	
Waste Recovery <u>3/</u>	I2	\$5000.00	
Waste Transfer Facility	I2	\$5000.00	
Storage <u>3/</u>	I2	\$1000.00	\$10.00 per 1000 GSF devoted to Use <u>5/</u>

Truck Terminal <u>3/</u>	I2	\$1000.00	\$10.00 per 1000 GSF devoted to Use <u>5/</u>
Slaughterhouse & Similar Processing	I2	\$5000.00	
Biological Research	I1	\$2000.00	\$10.00 per 100 GSF of floor area <u>1/</u>
Adult Entertainment	B4	\$2000.00	\$10.00 per 100 GSF of floor area <u>1/</u>
Accessory Uses in Residential Zones	R1, R2, R3	\$500.00	

1/ Gross square footage (GSF) shall be determined by the floor area within the perimeter of the outside walls of the structure without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

2/ Parking spaces as required or determined by Zoning By-Law.

3/ May require concurrent site plan review. See Section 2.11.30 of Zoning By-Law.

4/ Includes all space designated for sales of equipment including interior GSF and outside areas.

5/ Includes all area devoted to subject use, interior and exterior.

<u>Other Uses</u>	<u>Applicable Zone</u>	<u>Basic Review Fees</u>	<u>Additional Fees</u>
Storage <u>3/</u>	I-2	\$1,000	+\$10. Per 1,000 GSF Devoted to Use <u>5/</u>
Truck Terminal <u>3/</u>	I-2	\$1,000	+\$10. Per 1,000 GSF Devoted to Use <u>5/</u>
Slaughterhouse & Similar Processing	I-2	\$5,000	
Biological Research	I-1	\$2,000	+\$10. Per 100 GSF of Floor Area <u>1/</u>
Adult Entertainment	B-4	\$2,000	+\$10. Per 100 GSF of Floor Area <u>1/</u>
Fairs, Carnivals, Etc. <u>4/</u>	B-2; B-3; B-4 I-1; I-2	\$ 500	
Accessory Uses in Residential Zones	R-1; R-2; R-3	\$ 500	

1/ Gross square footage (GSF) shall be determined by the floor area within the perimeter of the outside walls of the structure without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

2/ Parking spaces as required or determined by Zoning By-law.

3/ May require concurrent site plan review. (See Section 2.11.30 of Zoning By-law).

4/ Includes all space designated for sales of equipment including interior GSF and outside area.

5/ Includes all area devoted to subject use, interior and exterior.

C. Fee Deposit and Use

All fees collected in accordance with these Rules and Regulations and Massachusetts General Laws Chapter 44 Section 53G will be deposited by the Special Permit Granting Authority (SPGA) or its agent in a separate interest bearing account for the sole purpose of compensating outside consultants to aid the SPGA in the review of the special permit.

Any excess amount in the account so designated to a specific special permit application; including accrued interest, if any, at the final disposition of the application and lapse of time for appeal, if no appeal is filed, shall be returned to the applicant or the applicant's successor in interest and a financial report of said account shall be made available to the applicant or said applicant's successor.

If the fee balance in the account is less than the amount owed to or incurred by the SPGA, the difference shall be paid by the applicant within fifteen days after notice thereof from the SPGA. No permits shall be issued until all fees are paid.

D. Negotiation of Fees

The SPGA by official action and recorded majority vote shall have the authority to negotiate the amount of fees for outside consultants with the consent of the applicant. The fee may be increased or decreased on factors relating to the scale of the project and the amount of and accuracy of information provided by the applicant.

E. Administrative Appeal

The applicant shall have the right of an administrative appeal from the selection of the outside consultant to the Board. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by the SPGA shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board within one month following the filing of the appeal, the selection made by the SPGA shall stand.



APPLICATION FOR SPECIAL PERMIT BY THE  
TYNGSBOROUGH BOARD OF SELECTMEN  
ACTING AS  
SPECIAL PERMIT GRANTING AUTHORITY

Name of Applicant \_\_\_\_\_

Address of Applicant \_\_\_\_\_

Tel # of Applicant \_\_\_\_\_

Address/Location of Subject Property \_\_\_\_\_

Assessors Map #(s) \_\_\_\_\_ Lot #(s) \_\_\_\_\_

Present Zoning District(s) of Subject Property \_\_\_\_\_

Type of Use Applied For \_\_\_\_\_  
(be specific)

Under Section \_\_\_\_\_ of the Zoning By-laws

Characteristics of Subject Property # of Lots \_\_\_\_\_

Area of Lot(s) \_\_\_\_\_ in Square Feet

Present Use \_\_\_\_\_

Is Applicant the Owner of the Property? \_\_\_\_\_

Is Applicant the Operator, Proprietor, or Manager of the Proposed Activity?  
\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Applicable

If Applicant is not the owner and operator (if no is checked on item 6 and/or 7)  
evidence of authority by affidavit or other legal instrument must be attached. Is  
such evidence attached? \_\_\_\_\_ Yes \_\_\_\_\_ No.

I, the applicant, have reviewed the applicable section(s) of the Town's Zoning  
By-law as most recently amended? \_\_\_\_\_ Yes \_\_\_\_\_ No.

I, the applicant, have reviewed the Rules and Regulations of the Special Permit  
Granting Authority as most recently amended? \_\_\_\_\_ Yes \_\_\_\_\_ No.

Signature of Applicant

I hereby certify that the information given above and included with the application pursuant to the Rules and Regulations so promulgated by the Board of Selectmen acting a Special Permit Granting Authority is correct and to the best of my knowledge complete and accurate.

I hereby request a hearing before the Special Permit Granting Authority pursuant to the matter of and disposition of the application and agree to pay all fees so required.

Name \_\_\_\_\_  
Date \_\_\_\_\_

Signature of the Town Clerk

As Town Clerk, I hereby certify that I have received this application for a Special Permit.

Name \_\_\_\_\_  
Date \_\_\_\_\_

Application received in Selectmen's Office

Name \_\_\_\_\_  
Date \_\_\_\_\_

\*\*\*\*\*  
Fourteen copies (14) of the Application packet Received by SPGA

Date \_\_\_\_\_ by \_\_\_\_\_

Application Fee(s) Received

Date \_\_\_\_\_ by \_\_\_\_\_

Postage Fees Received

Date \_\_\_\_\_ by \_\_\_\_\_

Project Review Fee(s) Received

Date \_\_\_\_\_ by \_\_\_\_\_

Amount \_\_\_\_\_

CERTIFIED LIST OF PARTIES IN INTEREST

SPECIAL PERMIT

(Must be submitted with Special Permit Application)

\_\_\_\_\_, 19 \_\_\_\_

To the Board of Selectmen of the Town of Tyngsborough

The undersigned, being an applicant for approval of the special permit for the land shown on Assessors Map No. \_\_\_\_\_ as Lot No. \_\_\_\_\_ submits the following sketch of the land listing the names of the adjoining owners in their relative positions and indicating the address of each party in interest in a separate list. Parties in interest include owners of land in question, owners of land which lie within 300 feet of a boundary or part thereof of the land in question, owners of land directly opposite any public or private street or way; all as they appear in the most recent applicable tax list notwithstanding that the land of any such owner is located in another town or another state, the Planning Boards of abutting town in Massachusetts or in New Hampshire and the Tyngsborough Building Inspector as prescribed in MGL Chapter 40A Section 11.

Signature of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

To the Board of Selectmen of the Town of Tyngsborough:

This is to certify that at the time of the last assessment for taxation made by the Town of Tyngsborough, the names and addresses of the parties in interest to the parcel of land shown above were as above written, except as follows:

Certified: \_\_\_\_\_  
Assistant Assessor,  
Town of Tyngsborough

File No.

### NOTICE OF DECISION - SPECIAL PERMIT

Notice is hereby given that a Special Permit has/has not been granted

for \_\_\_\_\_

to \_\_\_\_\_

by the Town of Tyngsborough Board of Selectmen, affecting the rights of the owner with respect to the use of premises on \_\_\_\_\_

shown on Assessors Map \_\_\_\_\_ as Lot \_\_\_\_\_, the record title standing in the name of \_\_\_\_\_

whose address is \_\_\_\_\_

by a deed duly recorded in the North Middlesex Registry of Deeds

in Book \_\_\_\_\_ Page \_\_\_\_\_ or North Middlesex Registry District

of the Land Court Certificate No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_.

The application is attached and the decision of said Board is on file with the papers on this matter in the office of the Town Clerk.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Board of Selectmen: \_\_\_\_\_, Chairman  
\_\_\_\_\_, Clerk

Appeals of this decision under Chapter 40A, Section 17 must be taken within twenty (20) days of the filing of this decision with the Town Clerk.

I certify no appeal has been received within twenty (20) days of the filing of this notice in my office, or that if an appeal has been filed, that it has been dismissed or denied.

Town Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

Having received certification from the Town Clerk, it shall be the responsibility of the APPLICANT to have recorded both the Special Permit Decision and Notice of Decision at the Registry of Deeds for the North Middlesex District and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. Fee for recording shall be paid by the owner or applicant.

No building permits or certificate of occupancy shall be issued until this attestation is made.

Received and entered with the Register of Deeds in the County of Middlesex, North, Book \_\_\_\_\_, Page \_\_\_\_\_.

\_\_\_\_\_, 19 \_\_\_, at \_\_\_\_\_ o'clock and \_\_\_\_\_ minutes.

Attest \_\_\_\_\_

File No. \_\_\_\_\_  
Date Filed \_\_\_\_\_

RECORD OF PROCEEDINGS  
ON APPLICATION FOR A SPECIAL PERMIT

Copies of this Record of Proceedings with all attachments must be filed within fourteen (14) days of a decision by the Board of Selectmen in the Office of the Town Clerk.

I, \_\_\_\_\_, Clerk of the Tyngsborough Board of Selectmen hereby certify that the following is a detailed record of all its proceedings relative to the application

Name and Address of the Applicant

\_\_\_\_\_  
\_\_\_\_\_

for a special permit under Section \_\_\_\_\_ of the Zoning By-law.

The Applicant desires to:

The premises affected are located at \_\_\_\_\_  
being in \_\_\_\_\_ District, in which the above mentioned use requires  
a Special Permit from the Board of Selectmen.

1. On \_\_\_\_\_ an application of which a true copy marked "A" is made a part of this record, was presented to the Tyngsborough Board of Selectmen.
2. Thereupon, an advertisement, a true copy of which marked "B" is made a part of this record, was published in the \_\_\_\_\_  
a newspaper published in \_\_\_\_\_ on \_\_\_\_\_  
and on \_\_\_\_\_ Date
3. Notices of the hearing, a copy of which marked "C" is made a part of this record, were mailed postpaid to the petitioner, parties in interest as specified in Section 11, Chapter 40A as amended.

4. On \_\_\_\_\_, a hearing was held at the \_\_\_\_\_ at which opportunity was given to all those interested to be heard in favor or opposition to said petition, application or appeal at which hearing

Members present: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

5. Following the hearing the Board of Selectmen made the following specific findings regarding the land in question and the proposed use:

6. The Board voted at its meeting on \_\_\_\_\_. As detailed below, to

\_\_\_\_\_ DENY the application based on findings as recorded under item 5 herein for the following reasons:

\_\_\_\_\_ GRANT the application subject to the following conditions, safeguards and limitations on time or use, if any:

NOTE: Show the vote of each member upon each question or, if absent or failing to vote, indicate such fact, and set forth clearly the reason or reasons for its decision, and of its other official actions.

Members present and voting: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Signature \_\_\_\_\_  
Clerk

NOTICE OF DECISION - SPECIAL PERMIT

File No. \_\_\_\_\_

Notice is hereby given that a Special Permit has/has not been granted:

To: \_\_\_\_\_

For: \_\_\_\_\_

Property Located on : \_\_\_\_\_

Owned By: \_\_\_\_\_

Shown on Assessors' Map: \_\_\_\_\_

Recorded Deed: \_\_\_\_\_

The Special Permit Decision of the Tyngsborough Board of Selectmen is on file with the papers on this matter in the office of the Town Clerk.

Certified this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Board of Selectmen: \_\_\_\_\_, Clerk

RIGHT TO APPEAL:

APPEALS OF THIS DECISION ARE TO THE COURT PURSUANT TO MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 17, AND MUST BE TAKEN WITHIN TWENTY (20) DAYS OF THE FILING OF THIS DECISION WITH THE TOWN CLERK.